



01-31-05

Attorney's Docket No.: 17103-003001 / 1457

1614

JFW

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert S. Osbakken et al.      Art Unit : 1614  
Serial No. : 09/942,959      Examiner : Donna Jagoe  
Filed : August 31, 2001      Cust. No. : 20985  
Conf. No. : 7962  
Title : AEROSOLIZED ANTI-INFECTIVES, ANTI-INFLAMMATORIES, AND  
DECONGESTANTS FOR THE TREATMENT OF SINUSITIS

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, Forms PTO-1449 (1 page), and cited non U.S. Patent references for filing in connection with the above-identified application. Because this Supplemental Information Disclosure Statement is filed prior to receipt of a first office action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 06-1050, as stated below:



The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

\_\_\_\_\_  
Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17103-003001/1457

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Facsimile: (202) 626-7796  
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## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number EV 471532255 US

Date of Deposit January 27, 2005

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

\_\_\_\_\_  
Stephanie L. Seidman



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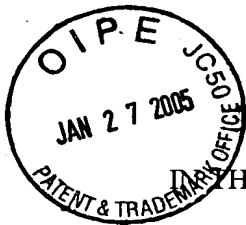
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Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98**

Because this Supplemental Information Disclosure Statement is filed before the receipt of a First Office Action on the merits of the Request for Continued Examination for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Forms PTO-1449 (1 page) and copies of the cited non U.S. Patent documents are provided herewith.

The documents cited on the Forms PTO-1449 are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
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Stephanie L. Seidman

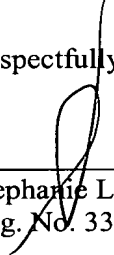
Further to the communication sent on September 17, 2004, Applicant also makes known to the Examiner the following pending U.S. and International Applications that have one or more common inventors and/or are commonly owned:

<b>Docket No.</b>	<b>U.S.S.N.</b>	<b>Filed</b>	<b>Publ. No.</b>
003002/1457B	10/835,872	04/29/04	2004-0204399
007001/1461	10/958,510	10/04/04	Awaiting

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and they be made of record in the file history of the above-captioned application.

Respectfully submitted,



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Sheet 1 of 1

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 17103-003001 / 1457	Application No. 09/942,959
<b>List of Patents and Publications for Applicant's Information Disclosure Statement</b>  (37 CFR §1.98(b))		Applicant Robert S. Osbakken et al.	
		Filing Date August 31, 2001	Group Art Unit 1614

**U.S. Patent Documents**

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	4,693,999	09/15/87	Axelsson et al.	514	174	06/03/85
	AB	4,917,951	04/17/90	Wallach	428	402.2	11/24/87
	AC	4,944,949	07/31/90	Story et al.	424	451	12/17/87
	AD	4,950,477	08/21/90	Schmitt et al.	424	43	08/23/88
	AE	5,925,334	07/20/99	Rubin et al.	424	45	08/27/97
	AF	5,976,573	11/02/99	Kim	424	489	07/03/96

**Foreign Patent Documents or Published Foreign Patent Applications**

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AG	0 267 050	05/11/88	EP, A1				
	AH	0 267 050	09/14/94	EP, B1				

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	AI	Allen et al., "Effect of Surfactant on Tetracycline Absorption across Everted Rat Intestine," Journal of Pharmaceutical Sciences 70(3): 269-271 (1981)
	AJ	Amidon et al., "Theoretical and Experimental Studies of Transport of Micelle-Solubilized Solutes," Journal of Pharmaceutical Sciences 71(1): 77-84 (1982)
	AK	Attwood et al., "Solubilization of Indomethacin by Polysorbate 80 in Mixed Water-Sorbitol Solvents," J. Pharm. Pharmacol. 41: 83-86 (1989)
	AL	Florence et al., "Non-ionic surfactants and membrane transport of thioridazine in goldfish," J. Pharm. Pharmac. 27: 152-159 (1975)
	AM	Kimura et al., "Effect of synthetic surfactants on drug absorption in the presence of a physiologic surfactant, sodium taurocholate, in rats," J. Pharmacobio-Dyn. 8: 661-668 (1985)
	AN	Pontioli et al., "Human insulin plus sodium glycocholate in a nasal spray formulation: improved bioavailability and effectiveness in normal subjects," Diabete & Metabolisme (Paris) 13: 441-443 (1987)
	AO	Salzman et al., "Intranasal Aerosolized Insulin," The New England Journal of Medicine 312: 1078-1084 (1985)
	AP	Smith et al., "Safety of Aerosol Tobramycin Administration for 3 Months to Patients With Cystic Fibrosis," Pediatric Pulmonology 7: 265-271 (1989)

Examiner Signature	Date Considered
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	